IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE V.RAMKUMAR

MONDAY, THE 12TH FEBRUARY 2007 / 23RD MAGHA 1928

Bail Appl..No. 821 of 2007()

CRMP.2367/2006 of DISTRICT COURT, PATHANAMTHITTA
CRIME NO.1056/06 OF PATHANAMTHITTA POLICE STATION

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: PETITIONER/ACCUSED NO.1:

VIJAYAN,
PALACHUVATTIL VEEDU, ANGADICKAL NORTH MURI AND
VILLAGE, KOZHENCHERRY TALUK, PATHANAMTHITTA DIST.

BY ADV. SRI.V.SETHUNATH

RESPONDENTS: COMPLAINANT AND STATE:

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1. S.I. OF POLICE,
PATHANAMTHITTA POLICE STATION.

2. STATE OF KERALA,
REPRESENTED BY THE PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM.

BY PUBLIC PROSECUTOR SRI.JAI GEORGE

THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON 12/02/2007, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

V. RAMKUMAR, J.

B.A. No. 821 OF 2007

Dated this the 12th day of February, 2007

O R D E R

In this Petition filed under Sec. 438 Cr.P.C. the petitioner, who is the first accused in Crime No.1056/2006 of Pathanamthitta Police Station for offences punishable under Sections 323, 324 and 308 read with section 34 I.P.C., seeks anticipatory bail.

2. I heard the learned counsel for the petitioner and the learned Public Prosecutor. The learned Public Prosecutor opposed the application.

3. The case of the prosecution is that on 17.12.2006 at about 9 p.m. in pursuance of the direction given by the petitioner herein to the 2nd accused to attack the de facto complainant, accused Nos.2 and 3 are alleged to have assaulted the de facto complainant with a sword stick and knife. The motive is the disinclination of the de facto complainant to continue as a driver of the petitioner, who was allegedly indulging in transporting illicit spirit.

4. Anticipatory bail cannot be granted in a case of this nature. There is no reason why the petitioner should not surrender before the Magistrate concerned and seek regular bail. Accordingly, if the

petitioner surrenders before the Magistrate concerned and files an application for regular bail, within two weeks from today, the same shall be considered and disposed of, preferably on the same date on which it is filed.

This application is disposed of as above.

(V. RAMKUMAR, JUDGE)

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